

ESTTA Tracking number: **ESTTA21372**

Filing date: **12/15/2004**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Aktieselskabet af 21. November 2001
Granted to Date of previous extension	12/18/2004
Address	Fredskovvej 5 Brande, DK-7330 DENMARK

Correspondence information	Oliver N. Blaise, III Attorney Coughlin & Gerhart, LLP 20 Hawley StreetPO Box 2039 Binghamton, NY 13902-2039 UNITED STATES oblaise@cglawllp.com Phone:607-723-9511
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Applicant Information

Application No	78350085	Publication date	10/19/2004
Opposition Filing Date	12/15/2004	Opposition Period Ends	12/18/2004
Applicant	Fame Jeans, Inc. 6650 Cote de Liesse		

	St. Laurent, Quebec H4T 1E3, CANADA
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Goods/Services Affected by Opposition

Class 025.

All goods and services in the class are opposed, namely: CLOTHING, NAMELY JEANS, PANTS, SLACKS WITH STRAP UNDER FOOT, SHORTS, SKIRTS, BOXER SHORTS, CULOTTES, BLOUSES, WAISTCOATS, JACKETS, COATS, TUNICS, BLAZERS, DRESSES; CORSAGES, NAMELY, BODICES TO BE INCORPORATED INTO CLOTHING; BUSTIERS, OVERALLS, PULLOVERS; T-SHIRTS; UNDERPANTS; VESTS, SHORT SLEEVED VESTS, SWEAT SHIRT TOPS, AND DUNGAREES; SCARVES; SHAWLS, TIES; LEG WARMERS; GLOVES; STOCKINGS AND SOCKS; TIGHTS; SWIM WEAR, NAMELY BATHING COSTUMES, BATHING TRUNKS AND BIKINIS; HATS, CAPS; DENIM JACKETS; SKI WEAR, NAMELY SKI TROUSERS, SKI DUNGAREES, SKI OVERALLS, SKI JACKETS, SKI VESTS AND SKI JACKETS WITH DETACHABLE SLEEVES; HEAD SCARVES, NECK SCARVES; HEAVY WOOLEN CLOTHING, NAMELY, KNITTED PANTS, KNITTED SHORTS, AND KNITTED TOPS; DOUBLE BREASTED JACKETS, OVERCOAT, POLO SHIRTS, JOGGING SUITS, HATS; CAPS AND TOQUES; FLEECE WEAR, NAMELY JOGGING SUITS, HOODED PULLOVER TOPS WITH POUCH POCKETS, MUSCLE TOPS, SHORTS, TROUSERS, SWEATSHIRTS, SWEATPANTS, VESTS AND TANK TOPS; DRESSES; SHOES; HOSIERY; LINGERIE, NAMELY UNDERSKIRTS, PANTIES, BRAS, AND UNDERWEAR; MEN'S LADIES AND CHILDREN'S DRESS PANTS, DRESSES, SUITS AND DRESS SHIRTS

Attachments	Notice of Opposition.pdf (4 pages)
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Signature	/onb cglawllp/
Name	Oliver N. Blaise, III
Date	12/15/2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

AKTIESELSKABET AF 21. NOVEMBER 2001,)	
)	Opposition No. _____
Opposer,)	
)	For: "JACK & JONES"
)	
v.)	Serial No.: 78/350,085
)	Published: October 19, 2004
FAME JEANS, INC.,)	
Applicant.)	
)	

To: COMMISSIONER FOR TRADEMARKS
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Aktieselskabet af 21. November 2001, a Danish corporation having its principal place of business at Fredskovvej 5, 7330 Brande, Denmark ("Opposer"), believes it will be damaged by the grant of a registration to Fame Jeans, Inc., located at St. Laurent, Quebec H4T 1E3, Canada ("Applicant"), based on Application Serial No. 78/350,085 for the mark "Jack & Jones," filed January 9, 2004, and hereby gives notice of its intention to oppose the registration of the mark.

FACTS

1. Opposer has been in the business of selling clothing, including jeans, sports wear and other such articles as provided in International Class 025, and has used the "Jack & Jones" marks in international commerce well prior to Applicant's filing date. Opposer has also used the mark "Jack Jones" in its business throughout Europe.

2. Opposer has filed an application to register the "Jack & Jones" mark with the USPTO, serial number 78/527,823, under section 44(e) of the Trademark Act based on its 1990 Danish registration (06.569.1990), for clothing in International Class 025 (men's, women's and children's suits, jackets, trousers, skirts, blouses, dresses, sweaters, vests, underpants, shorts, articles of sports clothing, hats and headgear, neckties, scarves, jeans, caps, gloves, belts, aprons,

swimwear, sleeping garments, knitted articles of clothing and articles of clothing made from knitted material). This registration is valid and enforceable, and Opposer has a bona fide intention to use the mark in commerce in connection with the identified goods. A copy of the registration receipt is attached hereto.

3. As set forth below, Opposer has numerous registrations of the “Jack & Jones” mark throughout Europe. Opposer has also registered the “Jack & Jones” mark in South America and throughout the Middle East. In August 2004, Opposer applied for registration of the “Jack & Jones” mark in Canada.

Country	Registration Number	Registration Date
Denmark	06.569.1990	September 28, 1990
Norway	145983	July 11, 1991
Poland	102241	April 27, 1995
Switzerland	417726	August 15, 1996
Benelux	614774	April 1, 1998
Estonia	25 523	April 15, 1998
United Kingdom	2.122 241	May 15, 1998
Austria	176748	July 16, 1998
Spain	2 062067	November 20, 1998
Lithuania	35634	December 27, 1999
European Union	001107747	June 6, 2000
Iceland	134/2000	November 11, 2000

Latvia	M 51757	July 20, 2003
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4. As a result of the use, promotion and advertising of Opposer's "Jack & Jones" mark for the goods identified above, Opposer's marks have acquired significant goodwill. Opposer's "Jack & Jones" mark identifies and distinguishes its goods from the services of others.

5. On January 9, 2004, Applicant filed an intent to use application for the mark "Jack & Jones" for clothing that included numerous items of apparel in International Class 025.

6. The similarity of Applicant's "Jack & Jones" mark to Opposer's "Jack & Jones" mark is evident from a simple comparison of the marks, and the goods for which Applicant's mark is intended to be used are closely related to Opposer's goods.

7. In view of the similarity of the respective marks and the related nature of the services of the respective parties, it is alleged that Applicant's mark so resembles Opposer's marks as to be likely to cause confusion or to cause mistake or to deceive.

8. The use of the mark sought to be registered by Applicant is likely to cause confusion or mistake in the minds of consumers and lead consumers and prospective purchasers to believe Applicant's goods as designated are goods of Opposer, or in some way backed by, sponsored by, franchised by, approved by, associated with, or otherwise connected with the good name and reputation of Opposer, to the damage and injury of the purchasing public, and to the damage and injury of Opposer and its goodwill in the "Jack & Jones" mark.

9. Opposer will be injured and damaged by the granting to Applicant of the registration for the mark for which registration is sought because such mark, when applied to the services of Applicant:

- a. is likely to cause confusion or to cause mistake or to deceive;
- b. falsely suggests a connection with Opposer, giving Applicant the unqualified right to pass off its services as those of Opposer;

- c. will damage Opposer's valuable goodwill in its "Jack & Jones" mark; and
- d. threatens Opposer's right to expand the scope of use of its marks to related, analogous or equivalent items and results in injury to Opposer's established rights in and to its marks.
- e. interferes with Opposer's application to register the "Jack & Jones" mark (serial number 78/527,823) in the U.S.

WHEREFORE, Opposer files this Notice of Opposition and prays that registration of Application Serial No. 78/350,085 for the mark "Jack & Jones" be denied and that this Opposition be sustained in favor of Opposer.

A check in the amount of \$300.00 for payment of the filing fee for the Notice of Opposition is enclosed. Please charge any additional amounts due, or credit any overpayments, to Deposit Account No. 02-0910.

Dated: December 15, 2004

/onb cglawllp/

Oliver N. Blaise, III, Esq.

COUGHLIN & GERHART, LLP

Attorneys for Opposer

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